



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, September 08, 2008

*Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism*

*Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz*

4/10/2010 12:03 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Dr. Benjamin L. Hooks
Greater Middle Baptist Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

[Approval of Minutes of Previous Session](#)

**Motion made by Commissioner Carpenter and seconded by
Commissioner Ford.**

Passed

For: 12; Commissioner Brooks, Commissioner Ford,
Commissioner Malone, Commissioner Ritz,
Commissioner Mulroy, Commissioner Carpenter,
Commissioner Harvey, Commissioner Gibson,
Commissioner Avery, Commissioner Chism,
Commissioner Bunker,

Against: 0; (None)

Abstain: 0; (None)
Recused: 0; (None)
Absent: 0; (None)

CONSENT AGENDA

Motion made by Commissioner Ford and seconded by Commissioner Carpenter.

Passed

For: 11; Commissioner Brooks, Commissioner Ford, Commissioner Malone, Commissioner Ritz, Commissioner Mulroy, Commissioner Carpenter, Commissioner Flinn, Commissioner Gibson, Commissioner Avery, Commissioner Chism,
Against: 1; Commissioner Bunker,
Abstain: 0; (None)
Recused: 0; (None)
Absent: 1; Commissioner Harvey,

Resolutions of Memorial, Sympathy and Commendation

Ordinances

Zoning and Subdivisions

1. Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.
(Notes: RITZ1)

- a) [Resolution to release the bond that secured the improvements to Brunswick Farms Subdivision Phase 3 \(S 96-045 CO\). Sponsored by Commissioner Mike Ritz.](#)

- b) [Resolution to approve the agreement to secure the improvements to the Stonebriar P.D. Area 10, Phase 6-street improvements \(P.D. 03-335 CC\) and authorize recording of the plat. Sponsored by Commissioner Mike Ritz.](#)
- c) [Resolution to approve the agreement to secure the improvements to the Stonebriar P.D. Area 10, Phase 7-street improvements \(P.D. 03-335 CC\) and authorize recording of the plat. Sponsored by Commissioner Mike Ritz.](#)
- d) [Resolution to rescind Resolution No. 3D adopted November 26, 2007, which approved the agreement to secure the improvements and authorize the recording of the plat for Woodland Trails P.D., Phase 4, part of Parcels A and C \(P.D. 97-356 CC\). Sponsored by Commissioner Mike Ritz.](#)

Reports and/or Resolutions for Standing Committees

- 2. [Resolution adopting an advertising policy for the sale of advertising for revenue generation utilizing County assets, documents and communication links. Sponsored by Commissioner Carpenter. \(AMENDED IN COMMITTEE 9/3/08\)](#)
(Notes: MALONE1)

Motion made by Commissioner Carpenter and seconded by Commissioner Ritz.

Passed

For: 8; Commissioner Ford, Commissioner Malone, Commissioner Ritz, Commissioner Mulroy, Commissioner Carpenter, Commissioner Avery, Commissioner Bunker,

Against: 0; (None)

Abstain: 1; Commissioner Brooks,

Recused: 0; (None)

Absent: 4; Commissioner Harvey, Commissioner Flinn, Commissioner Gibson, Commissioner Chism,

Motion made by Commissioner Ritz and seconded by Commissioner Mulroy.

Passed

For: 9; Commissioner Ford, Commissioner Malone,
Commissioner Ritz, Commissioner Mulroy,
Commissioner Carpenter, Commissioner Flinn,
Commissioner Avery, Commissioner Bunker,
Against: 0; (None)
Abstain: 1; Commissioner Brooks,
Recused: 0; (None)
Absent: 3; Commissioner Harvey, Commissioner Gibson,
Commissioner Chism,

3. Resolution amending the FY 2009 Operating Budget in the amount of \$147,995.00 to reflect a grant from the Tennessee Emergency Management Agency. Sponsored by Commissioner Malone. (AMENDED IN COMMITTEE 9/3/08)
(Notes: CHISM1)

4. Resolution to approve a contract with Harris Computer Systems for the license to use their Government E-Management Solutions (GEMS) software. The contract is for the implementation of this software and a support and maintenance agreement. In addition, this Resolution authorizes the purchase of the required computer hardware and appropriates funds from FY 2009, CIP Budget Account No. 909-101714-7024 in the amount of \$949,881.00 and authorizes the support and maintenance contract from the Operating and Maintenance Budget Account No. 010-201804-6780 in the amount of \$165,841.00. Sponsored by Commissioner Deidre Malone.
(Notes: RITZ1)

5. Resolution approving a contract in the amount of \$181,890.00 with Pinnacle Mapping Technologies, Inc. for digital orthographic projections and this item requires expenditure of Register's Special Revenue Funds in the amount of \$181,890.00. Sponsored by Commissioner Malone.
(Notes: MALONE1)

6. Resolution approving an appropriation of funds in

the amount of \$8,550.00 for acquisition of right-of-way for the replacement of the bridge and roadway approaches on Kerrville-Rosemark Road over Big Creek Drainage Canal and this item requires an expenditure of State Gas Tax Funds in the amount of \$8,550.00. Sponsored by Commissioner Wyatt Bunker.

(Notes: BUNKER1)

7. Resolution approving a contract renewal with Mac'S Tire Recyclers, Inc., for the collection, hauling and beneficial end use of waste tires in an amount not to exceed \$550,000.00, and this item requires an expenditure of Grant Funds in an amount not to exceed \$550,000.00. Sponsored by Commissioner Wyatt Bunker.

(Notes: BUNKER1)

8. Resolution amending the FY 2009 Operating Budget for a U. S. Environmental Protection Agency Grant in the amount of \$347,080.00 for a Phase II Brownfields Assessment of the CSX Rail Line. This item requires expenditures of grant funds in the amount of \$347,080.00. Sponsored by Commissioner Mike Carpenter.

(Notes: BUNKER1)

9. Resolution approving emergency purchase of a fire engine pumper for the Shelby County Fire Department, approving amendment of FY 2008/2009 Budget, and approving expenditure of funds in the amount of \$281,030.00 to Ferrara Fire Apparatus Inc., for said purchase to be paid from funds in account 954. Sponsored by Commissioner Sidney Chism.

(Notes: CHISM2)

10. Resolution amending the FY 2009 Budget in the amount of \$151,348.00 to allow maximum expenditure of grant funds from a Tennessee Department of Transportation, Governor's Highway

Safety Office, West Tennessee Child Passenger Safety Grant, previously approved by the Shelby County Board of Commissioners. This item requires expenditure of grant funds in the amount of \$151,348.00. Sponsored by Commissioner Sidney Chism.

(Notes: RITZ1)

11. Resolution to authorize approval of a contract between the City of Memphis and the Shelby County District Attorney General's Office. The Shelby County District Attorney General's Office is requesting to accept and expend \$107,024.00 in the FY 2009 Justice Assistance Grant Program from the City of Memphis, and to amend the FY 2008/2009 Shelby County Operating Budget and the Shelby County Position Control Budget. This item requires expenditure of Federal through State Grant funds in the amount of \$107,024.00. Sponsored by Commissioner Sidney Chism.

(Notes: GIBSON2)

12. Resolution to amend the grant contract with the Tennessee Department of Human Services for the Community Services Block Grant Program for the period of July 1, 2008 through June 30, 2009; increasing grant funds in the amount of \$130,375.00 and to amend the FY 2009 Operating Budget. This item requires expenditure of state grant funds in the amount of \$130,375.00. Sponsored by Commissioner George Flinn.

(Notes: FLINN1)

13. Resolution to amend the grant contract with the Tennessee Department of Human Services for the Low Income Home Energy Assistance Program for the period of July 1, 2008 through June 30, 2009; decreasing grant funds in the amount of \$327,191.00, and to amend the FY 2008/2009 Operating Budget. Sponsored by Commissioner George Flinn.

(Notes: AVERY1)

14. Resolution to amend the grant contract with the Tennessee Department of Human Services for the Weatherization Assistance Program, increasing grant funds in the amount of \$102,112.00 and to amend the FY 2008/2009 Operating Budget. This item requires expenditure of State Grant Funds in the amount of \$102,112.00. Sponsored by Commissioner George Flinn.

(Notes: FORD1)

15. Resolution to accept a grant agreement with the Memphis Light, Gas and Water Division for the Energy Smart Memphis Program in the amount of \$495,000.00, and to amend the FY 2008/2009 Operating Budget. This item requires expenditure of grant funds in the amount of \$495,000.00. Sponsored by Commissioner George Flinn.

(Notes: FLINN1)

16. Resolution approving a contract in the amount of \$104,063.00 with Metropolitan Inter-Faith Association for the provision of Ombudsman services for residents of long-term care facilities, including complaint resolution. This item requires expenditure of Federal Grant Funds in the amount of \$104,063.00. Sponsored by Commissioner Joyce Avery.

(Notes: AVERY1)

Motion made by Commissioner Ritz and seconded by Commissioner Flinn.

Passed

For: 9; Commissioner Ford, Commissioner Malone, Commissioner Ritz, Commissioner Mulroy, Commissioner Carpenter, Commissioner Harvey, Commissioner Flinn, Commissioner Avery,

Against: 1; Commissioner Bunker,

Abstain: 1; Commissioner Brooks,

Recused: 0; (None)

Absent: 2; Commissioner Gibson, Commissioner Chism,

17. Resolution approving a contract in the amount of \$339,500.00 with Meritan, Inc., (formerly Senior

Services) to provide homemaker, personal care and adult care/sitter services as authorized to eligible consumers in Shelby, Lauderdale, Fayette, and Tipton Counties. This item requires expenditure of State Grant Funds in the amount of \$191,000.00 and Federal Grant Funds in the amount of \$148,500.00. Sponsored by Commissioner Joyce Avery.

(Notes: AVERY1)

Motion made by Commissioner Carpenter and seconded by Commissioner Flinn.

Passed

For: 9; Commissioner Ford, Commissioner Malone, Commissioner Ritz, Commissioner Mulroy, Commissioner Carpenter, Commissioner Harvey, Commissioner Flinn, Commissioner Avery,

Against: 1; Commissioner Bunker,

Abstain: 0; (None)

Recused: 0; (None)

Absent: 3; Commissioner Brooks, Commissioner Gibson, Commissioner Chism,

18. Resolution approving a contract in the amount of \$2,021,870.00 with Metropolitan Inter-Faith Association for the provision of services for transportation, congregate meals, home-delivered meals, nutrition education and counseling and home modifications to eligible consumers in Shelby, Lauderdale, Fayette, and Tipton Counties. This item requires expenditure of State Grant Funds in the amount of \$142,100.00 and Federal Grant Funds in the amount of \$1,879,770.00. Sponsored by Commissioner Joyce Avery.

(Notes: FLINN1)

Motion made by Commissioner Ritz and seconded by Commissioner Flinn.

Passed

For: 9; Commissioner Ford, Commissioner Malone, Commissioner Ritz, Commissioner Mulroy, Commissioner Carpenter, Commissioner Harvey, Commissioner Flinn, Commissioner Avery,

Against: 1; Commissioner Bunker,

Abstain: 0; (None)

Recused: 0; (None)

Absent: 3; Commissioner Brooks, Commissioner Gibson, Commissioner Chism,

19. Resolution to amend the FY 2008/2009 Operating Budget for a Special Direct Appropriation Grant from the Tennessee Department of Human Services in the amount of \$10,000.00. This item requires the expenditure of grant funds in the amount of \$10,000.00. Sponsored by Commissioner George Flinn.

(Notes: FLINN1)

20. Resolution approving the sale of THIRTEEN Delinquent Tax Parcels totaling \$72,700.00 from Tax Sale(s) 0203, 0204, 0205, 0206, 0301, 0303 and 0305 pursuant to the provisions of Tennessee Code Annotated Section 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.

(Notes: GIBSON1)

21. Resolution approving the sale of FIFTEEN Delinquent Tax Parcels totaling \$47,900.00 from Tax Sale(s) 0005, 95.2, 99.01, 0106, 0201, 0205, 0206, 0301, 0304, and 0305 pursuant to the provisions of Tennessee Code Annotated Section 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.

(Notes: FORD1)

22. Resolution approving the sale of FIFTEEN Delinquent Tax Parcels totaling \$53,550.00 from Tax Sale(s) 83.1, 95.2, 0103, 0201, 0202, 0203, 0205, 0206, 0304 and 0305 pursuant to the provisions of Tennessee Code Annotated Section 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.

(Notes: GIBSON1)

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

23. ORDINANCE- THIRD READING (AMENDED) -- Ordinance to amend the Shelby County Code of Ordinances, Chapter 2, Article II, Section 2-57 relative to the purchase, sale, or exchange of materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local governmental entity. Sponsored jointly by Commissioners Joe Ford and Mike Carpenter.
(Notes: FORD1)

Motion made by Commissioner Ritz and seconded by Commissioner Carpenter.

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

24. Resolution approving expenditure of funds in the amount of \$2,728,452.04 to various vendors for staple groceries for various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \$2,728,452.04. Sponsored by Commissioner Deidre Malone.
(Notes: MALONE1)

Motion made by Commissioner Ritz and seconded by Commissioner Gibson.

25. Resolution amending the 2008/2009 Operating Budget to increase the Trustee's Budget by \$201,964.00 in order to administer the new tax freeze program and this item requires the expenditure of General Fund Reserve Funds in the amount of \$201,964.00. Sponsored by Commissioner Deidre Malone. (DEFERRED TO 9/22/08)
(Notes: FORD1)

26. Resolution approving an agreement with Spring Creek Ranch, LLC and an expenditure of funds in the amount of \$98,400.00 for the rights to connect the proposed Cotton Creek Area Sewer System to the Spring Creek Ranch Pump Station for transportation of the wastewater to the Town of Collierville publicly owned treatment works and this item requires an expenditure of County CIP Funds in the amount of \$98,400.00. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 9/22/08)
(Notes: BUNKER1)
27. Resolution approving an amendment to the contract with AFRAM Corporation in the amount of \$133,112.20 for the design of a low pressure sewer system in the Cotton Creek Area and this item requires an expenditure of County CIP Funds in the amount of \$133,112.20. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 9/22/08)
(Notes: BUNKER1)
28. Resolution approving an agreement with the Town of Collierville to treat the wastewater from the Cotton Creek Area. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 9/22/08)
(Notes: BUNKER1)
29. Resolution to approve an agreement to recoup the cost of providing improvements, facilities and services to Bearman Golden Gardens, Inc, a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tennessee Code Annotated Section 67-5-207 et seq. Sponsored by Commissioner Deidre Malone. (DEFERRED TO 9/22/08)
(Notes: HARVEY1)

30. Resolution to approve an agreement to recoup the cost of providing improvements, facilities and service to Shield, Inc, a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tennessee Code Annotated Section 67-5-207, et seq. Sponsored by Commissioner Deidre Malone. (DEFERRED TO 9/22/08)

(Notes: HARVEY1)

31. Resolution supporting the efforts of the County Mayor in ensuring an adequate review of candidates submitted for appointment to County boards and agencies. Sponsored by Commissioner Henri E. Brooks.

(Notes: FORD1)

Motion made by Commissioner Avery and seconded by Commissioner Ritz.

32. Resolution to amend the definition of the Design Review Committee in the Resolution approved June 16, 2008, amending the policies and procedures of the Shelby County Homestead Program pursuant to Chapter 281 of the Public Acts of 1985 and as authorized by the Shelby County Mayor and the Shelby County Board of Commissioners by Resolution on October 7, 1985. Sponsored by Commissioner Mike Carpenter. (AMENDED IN COMMITTEE 9/3/08)

(Notes: BROOKS1)

Motion made by Commissioner Mulroy and seconded by Commissioner Carpenter.

Passed

For: 8; Commissioner Ford, Commissioner Malone, Commissioner Mulroy, Commissioner Carpenter, Commissioner Harvey, Commissioner Avery, Commissioner Chism,
Against: 3; Commissioner Ritz, Commissioner Flinn, Commissioner Bunker,
Abstain: 1; Commissioner Brooks,
Recused: 0; (None)

Absent: 1; Commissioner Gibson,
Motion made by Commissioner Mulroy and seconded by Commissioner Carpenter.

Passed

For: 9; Commissioner Ford, Commissioner Malone,
Commissioner Mulroy, Commissioner Carpenter,
Commissioner Flinn, Commissioner Avery,
Commissioner Chism, Commissioner Bunker,

Against: 1; Commissioner Brooks,

Abstain: 0; (None)

Recused: 0; (None)

Absent: 3; Commissioner Ritz, Commissioner Harvey,
Commissioner Gibson,

Announcements/Statements

Adjournment

33. Resolution of Adjournment to Monday, September 22, 2008, at 1:30 p.m.

Motion made by Commissioner Mulroy and seconded by Commissioner Ford.

Passed

For: 12; Commissioner Brooks, Commissioner Ford,
Commissioner Malone, Commissioner Ritz,
Commissioner Mulroy, Commissioner Carpenter,
Commissioner Harvey, Commissioner Flinn,
Commissioner Avery, Commissioner Chism,
Commissioner Bunker,

Against: 0; (None)

Abstain: 0; (None)

Recused: 0; (None)

Absent: 1; Commissioner Gibson,